

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MARYANN WATKINS, *et al.*,

Plaintiffs,

V.

CALIFORNIA DEPARTMENT OF
HOUSING AND COMMUNITY
DEVELOPMENT, *et al.*,

Defendants.

Case No. 2:22-cv-07286-FLA (RAO)

**ORDER ACCEPTING FINDINGS,
CONCLUSIONS, AND
RECOMMENDATION OF UNITED
STATES MAGISTRATE JUDGE,
GRANTING DEFENDANTS'
MOTION TO DISMISS WITHOUT
PREJUDICE, AND DENYING
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT AS
MOOT [DKTS. 51, 61, 69]**

Pursuant to 28 U.S.C. § 636, the court has reviewed Plaintiffs' Third Amended Complaint ("TAC"), Dkt. 46, Defendants' Motion to Dismiss the TAC, Dkt. No. 51, Plaintiffs' Opposition, Dkt. 55, Defendants' Reply, Dkt. No. 57, Plaintiffffs' Motion for Summary Judgment, Dkt. 61, Defendants' Opposition, Dkt. No. 62, Plaintiffs' Reply, Dkt. 68, the Report and Recommendation of United States Magistrate Judge ("Report") dated January 10, 2025, Dkt. 69, Plaintiffs' Objections to the Report, Dkt. 73, and all other records and files herein.

The court has engaged in a *de novo* review of those portions of the Report to which Plaintiffs have objected. The Report recommends the dismissal of Plaintiffs' Third Amended Complaint without further leave to amend. Dkt. 69. The Third Amended Complaint alleged violations of Plaintiffs' civil rights based on Defendants' delay of Plaintiffs' plans to build a manufactured home in Los Angeles County. Dkt. 46 at 6, 8. Plaintiffs' objections to the Report, Dkt. 73, do not warrant a change to the Report's findings or recommendations.

Plaintiffs object to the Report's finding that they have failed to state a claim on which relief may be granted. Dkt. 73 at 1–2. They object that Defendants held up the permit, refused to grant the permit, and could have performed the inspection or plan check under the standards of the Department of Housing and Urban Development. *Id.* These objections do not call into question the Report's finding that such allegations do not raise a plausible basis for a claim under the First, Fourth, Eighth, Ninth, or Tenth Amendments. Dkt. 69 at 8. Plaintiffs also failed to state a Fifth Amendment claim for a regulatory taking, because they do not allege they were required to pay a fee or fund offsite work or improvements. *Id.* at 9–10. They also failed to state a Fourteenth Amendment claim for a violation of due process. *Id.* at 10–11.

Plaintiffs object to the Report's finding that the claims against the California Department of Housing and Community Development and the official-capacity claims are barred by the Eleventh Amendment. Dkt. 73 at 3–6. The objections,

1 which are based on conclusory allegations of perjury, fraud, and bribery, raise no
2 grounds to call into question the Report's Eleventh Amendment analysis. Dkt. 69
3 at 6–7.

4 Finally, Plaintiffs object there has been judicial misconduct that resulted in a
5 "fraud on the court." Dkt. 73 at 7–15. Plaintiffs allege federal judges throughout
6 the Ninth Circuit are being paid for their decisions. *Id.* at 7–8, 11. They also
7 object, "God willing you will all be prosecuted for such hyenas' crimes." *Id.* at 11.
8 These allegations are dismissed as frivolous and malicious. *See Theriault v. Silver*,
9 574 F.2d 197, 197 (5th Cir. 1978) (order) (insulting and disrespectful references to
10 the judge are subject to summary dismissal as beneath the dignity of the court).

11 The court is not persuaded by Plaintiffs' objections and overrules them. The
12 court hereby accepts and adopts the findings, conclusions, and recommendations of
13 the Magistrate Judge.

14 Accordingly, IT IS ORDERED that:

- 15 (1) Defendants' Motion to Dismiss is granted;
16 (2) Plaintiffs' claims against Defendants are dismissed without prejudice; and
17 (3) Plaintiffs' Motion for Summary Judgment is denied as moot.

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19 IT IS SO ORDERED.

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21 Dated: March 11, 2025



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23 FERNANDO L. AENLLE-ROCHA
24 United States District Judge
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